

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**ROHINI KUMAR**, individually and on behalf of  
the general public and those similarly situated,

Plaintiff,

vs.

**SALOV NORTH AMERICA CORP.,**

Defendants.

Case No.: 14-CV-2411- YGR

**ORDER DENYING DEFENDANT’S  
MOTION TO STAY**

Defendant Salov North America Corporation (“Salov”) has filed a Motion to Stay the instant action pending the Ninth Circuit’s resolution of three pending appeals: *Jones v. ConAgra Foods, Inc.*, No. 14-16327 (9th Cir. filed July 14, 2014), *Brazil v. Dole Packaged Foods*, No. 14-17480 (9th Cir. filed Dec. 17, 2014), and *Kosta v. Del Monte Foods*, No. 15-16974 (9th Cir. filed Oct. 2, 2015), pursuant to the Court’s inherent powers. (Dkt. No. 72.)

Having carefully considered the papers submitted and the pleadings in this action, and for the reasons set forth below, the Court hereby **DENIES** the Motion to Stay.<sup>1</sup>

“A district court has inherent power to control the disposition of the causes on its docket in a manner which will promote economy of time and effort for itself, for counsel, and for litigants.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). In considering whether to grant a stay, a court should consider “the possible damage which may result from the granting of a stay, the hardship or inequity which a party may suffer in being required to go forward, and the orderly course

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 78(b) and Civil Local Rule 7-1(b), the Court finds this motion appropriate for decision without oral argument. Accordingly, the Court **VACATES** the hearing set for **January 5, 2016**, as well as the deadline for filing a reply brief.

of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.” *Id.* (citing *Landis v. N. Am. Co.*, 99 U.S. 248, 254-55 (1936)).

Here, the Court finds that the potential for prejudice and needless delay in granting a stay pending decision of the other cases on appeal far outweighs any potential benefit in delaying progress in the instant case. The Court cannot stay every case that might be affected by issues on appeal in other litigation. The allegations here, and the proposed classes to be certified, differ significantly from those in *Jones, Brazil*, and *Kosta*. Further, the parties have already invested substantial resources in discovery to this point, which they carried out for months after the appeals were filed.

Accordingly, the Motion for Stay is **DENIED**.


The temporary stay, previously ordered on November 16, 2015, is **DISSOLVED**.

Plaintiff shall file the class certification motion no later than **January 19, 2016**. Defendant’s opposition shall be filed no later than **February 23, 2016**. Plaintiff’s reply shall be filed no later than **March 22, 2016**. Hearing on the motion for class certification is **SET** for **April 12, 2016, at 2:00 p.m.** in Courtroom 1, Federal District Courthouse, 1301 Clay Street, Oakland.

This terminates Docket No. 72.

**IT IS SO ORDERED.**

Dated: December 15, 2015

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**